THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.616 of 2007

05.1.2007

Between:

G.Srinivasulu Cherry, S/o.Subbaramaiah

… Petitioner

AND

The District Collector, Chittoor
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.616 of 2007

ORDER:

The petitioner is resident of Tirupathi Town. He filed the present writ petition seeking a direction to respondents to implement ryotwari patta granted to his father, G.Subbaramaiah, and for a consequential direction to carryout mutation in the revenue records.

The brief fact of the matter as alleged in the writ affidavit is as follows. Koramanigunta was an estate, which was taken over by the Government on 04.3.1963 under the provisions of A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (the Act, for brevity). The settlement rates were introduced on 01.7.1965 and the Village was taken over under Rent Reduction Act, 1947. The landholder filed a suit being O.S.No.29 of 1955 on the file of the Court of the Subordinate Judge, Chittoor, seeking a declaration that the Rent Reduction Act has no application. Later *suo motu* enquiry was taken up under Section 15(1) of the Act by the Assistant Settlement Officer (ASO). By orders dated 31.5.1968 in S.R.No.98/15(1)/65 CGR, the ASO rejected the claim for patta, observing that the claims of the ryots for patta would be examined under Section 11(a) of the Act. The appeal filed by the landholder being A.S.No.10 of 1968 was also dismissed by the Estates Abolition Tribunal, Chittoor, on 18.1.1975.

The father of the petitioner filed application under section 11(a) of the Act for grant of ryotwari patta in respect of lands about Acs.1.08 in survey No.137/2P, 137/3 and 1243/8 of Koramanigunta H/o.Akkarampalle Village of Tirupathi Mandal in Chittoor District. Enquiry was conducted in S.R.No.23/11(a)/78/CGR, by the Settlement Officer. By proceedings dated 28.1.1980 a ryotwari patta was granted. The petitioner's father purchased the land under registered sale deeds dated 09.3.1970 and 22.4.1970. After death of the father, the petitioner

allegedly continued to be in possession. It is further alleged that the District Collector by proceedings dated 15.8.1981 directed the revenue authorities to implement the patta. In the meanwhile, the Director of Survey and Settlements *suo motu* took up revisional enquiry under Section 5(2) of the Act and by order dated 28.12.1996 set aside the ryotwari patta. Aggrieved by the same, revision was filed under Section 7(d) of the Act before the Commissioner of Appeals, who by order dated 28.4.2000 set aside the orders of the Director of Survey and Settlements. The petitioner filed an application before the Joint Collector in 2001 requesting for implementation of the patta, in vain. Therefore, the present writ petition is filed.

This Court heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A).

The petitioner's father is said to have been purchased the property under two registered sale deeds. Though he prosecuted the claim before the Commissioner of Appeals, he did not seek implementation of the patta. After death of his father, petitioner continued in possession of the property. Alleging that his father purchased the land from China Chenga Reddy, petitioner filed the present writ petition six years after the Commissioner of Appeals allowed the appeal. No document in proof of said allegation is produced before this Court. Secondly, when the petitioner claims ryotwari patta through his father in whose favour claim under Section 11(a) was allowed, nothing prevents him to approach the Mandal Revenue Officer (MRO), Tirupathi Urban Mandal, for necessary mutation in the revenue records and also seek Pattadar Pass Books (PPBs) and Title Deeds (TDs) under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (RoR Act, for brevity). This is not done. Straightaway the writ petition is filed seeking implementation of the patta dated 28.1.1980 issued in favour of the father of the petitioner. A writ petition for implementation of ryotwari patta straight away is not maintainable. The RoR Act contemplates registering of the holders of the land in Form 1-B prescribed under A.P. Rights in Land and Pattadar Pass Books Rules, 1989. When the petitioner's title was in doubt, at the time of preparation of record of rights, he cannot seek for necessary entries in the revenue records. The petitioner may now approach the MRO for necessary mutation in the record of rights. The writ petition is wholly misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

January 05, 2007.
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